

## 21 C.J.S. Courts § 84

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### Courts

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### II. Jurisdiction of Courts

#### G. Discretion of Court to Exercise or Decline Jurisdiction

#### 2. Forum Non Conveniens as Basis for Declining Exercise of Jurisdiction

### § 84. Connection to forum as factor for forum non conveniens

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  40.4 to 40.6

**The forum non conveniens determination as a basis for declining the exercise of jurisdiction involves considering the connection of the defendant and the action to the forum based on the presence of sufficient contacts with the forum.**

In considering the application of principles of forum non conveniens as a basis for declining the exercise of jurisdiction,<sup>1</sup> the degree of connection of the defendant,<sup>2</sup> the plaintiff,<sup>3</sup> the dispute,<sup>4</sup> and the cause of action with the forum is a relevant factor.<sup>5</sup> The residence of the parties,<sup>6</sup> the location of the parties, and the place where the cause of action arose are key considerations,<sup>7</sup> as well as the location where the fact situation creating the controversy arose.<sup>8</sup>

The doctrine comes into play when, despite sufficient contacts between the defendant and the forum state to confer personal jurisdiction on the trial court, the case itself has no significant connection to the forum.<sup>9</sup> The preference for the plaintiff's choice of forum<sup>10</sup> may be overcome by demonstrating that the forum has only a slight nexus to the subject matter of the suit and that another available forum exists which would enable the case to be tried substantially more inexpensively and expeditiously.<sup>11</sup>

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#### Footnotes

<sup>1</sup> § 82.

- 2 Nev.—Provincial Gov't of Marinduque v. Placer Dome, Inc., 350 P.3d 392, 131 Nev. Adv. Op. No. 35 (Nev. 2015).
- Tex.—In re Bridgestone Americas Tire Operations, LLC, 459 S.W.3d 565 (Tex. 2015).
- 3 Fla.—Sazonov v. Karpova, 2013 WL 6800981 (Fla. 3d DCA 2013).
- 4 D.C.—Garcia v. AA Roofing Co., LLC, 125 A.3d 1111 (D.C. 2015).
- Fla.—Nordlicht v. Discala, 139 So. 3d 951 (Fla. 4th DCA 2014).
- 5 Fla.—Nordlicht v. Discala, 139 So. 3d 951 (Fla. 4th DCA 2014).
- Ill.—Wilder Chiropractic, Inc. v. State Farm Fire and Cas. Co., 2014 IL App (2d) 130781, 382 Ill. Dec. 781, 13 N.E.3d 194 (App. Ct. 2d Dist. 2014).
- Pa.—Bochetto v. Piper Aircraft Co., 2014 PA Super 120, 94 A.3d 1044 (2014), review denied, 112 A.3d 648 (Pa. 2015).
- Tex.—In re Bridgestone Americas Tire Operations, LLC, 459 S.W.3d 565 (Tex. 2015).
- A.L.R. Library**  
Doctrine of forum non conveniens: assumption or denial of jurisdiction in action between nonresident individuals based upon tort occurring within forum state, 92 A.L.R.3d 797.
- 6 N.Y.—Wild v. University of Pennsylvania, 115 A.D.3d 944, 983 N.Y.S.2d 58 (2d Dep't 2014).
- 7 Utah—Diversified Striping Systems, Inc. v. Kraus, 2014 UT App 287, 341 P.3d 932 (Utah Ct. App. 2014).
- Situs of actionable events**  
N.Y.—Wild v. University of Pennsylvania, 115 A.D.3d 944, 983 N.Y.S.2d 58 (2d Dep't 2014).
- 8 N.Y.—Huani v. Donziger, 46 Misc. 3d 534, 997 N.Y.S.2d 219 (Sup 2014).
- Utah—Diversified Striping Systems, Inc. v. Kraus, 2014 UT App 287, 341 P.3d 932 (Utah Ct. App. 2014).
- 9 Tex.—In re Bridgestone Americas Tire Operations, LLC, 459 S.W.3d 565 (Tex. 2015).
- 10 § 86.
- 11 W. Va.—State ex rel. J.C. ex rel. Michelle C. v. Mazzone, 235 W. Va. 151, 772 S.E.2d 336 (2015).